



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL GUERRERO MARIN, individually
and on behalf of all others similarly situated,

Plaintiff,

-against-

NELSON SERVICES SYSTEMS, INC., et
al.,

Defendants.

20-CV-8607 (JMF) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed plaintiff's confidential settlement letter submitted in advance of the settlement conference currently scheduled for Monday, February 22, 2021. The Court reminds the parties that the "purpose of a Court-facilitated settlement conference is to settle the case – not merely to begin a settlement dialogue," and that the Court "normally holds only settlement conference per case." Order Scheduling Settlement Conference (Scheduling Order) (Dkt. No. 45) ¶ 2. Accordingly, the Court directed the parties to "conduct at least one good-faith settlement discussion, in person or by telephone, and convey at least one good-faith demand or offer," prior to submitting their confidential settlement letters and serving their acknowledgment forms, as required in ¶ 4 of the Scheduling Order. *Id.*

It appears that defendants failed to conduct a good-faith settlement discussion and convey a good-faith demand or offer, as required by ¶ 2 of the Scheduling Order. Further, although defendants submitted an acknowledgment form in advance of the conference, they failed to submit a confidential settlement letter, as required by ¶ 4 of the Scheduling Order.

It is hereby ORDERED that defendants' counsel shall promptly initiate a good faith settlement discussion, in person or by telephone, during which defendants shall respond to plaintiff's previously conveyed settlement demand in good faith. It is further ORDERED that

defendants shall submit their confidential settlement letter no later than **Friday, February 19, 2021 at 2:00 p.m.**, confirming that they have conducted the required discussion, informing the Court of their response to plaintiff's pending settlement demand, and containing all of the other information required by ¶ 4 the Scheduling Order. The letter is to be submitted via email to Chambers_NYSDMoses@nysd.uscourts.gov. Defendants' counsel shall also submit (and serve on plaintiff) an updated attendance form on behalf of both corporate defendants and the individual defendant.

If the requested documents are not received by 2:00 p.m. on February 19, 2021, the Court will adjourn the scheduled settlement conference.

Dated: New York, New York
February 18, 2021

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge